



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

FEBRUARY 16, 2021

6:00 P.M.

- A. PLEDGE OF ALLEGIANCE
- B. APPROVAL OF THE AGENDA
- C. CONSENT AGENDA
 - 1. SIGNATURES
 - 2. COUNCIL MINUTES
 - a. 01/19/2021 Council Meeting
 - b. 02/01/2021 Council Meeting
 - 3. COMMUNICATIONS
 - a. Renewal Victualer's License – Danny Costa, DBA Dunkin Donuts
 - b. Proposed FY22 Budget Schedule
 - 4. COMMITTEE MINUTES
- D. PUBLIC COMMENTS
- E. POLICY AGENDA
 - 1. NEWS, PRESENTATIONS & AWARDS
 - 2. PUBLIC HEARINGS
 - 3. NOMINATIONS – APPOINTMENTS – ELECTIONS
 - a. Appointment of a Councilor to the Planning Board as an associate member – *referred from Council Workshop.*
- F. COMMITTEE REPORTS
- G. UNFINISHED BUSINESS
- H. NEW BUSINESS
 - a. Council action on proposed amendment to section 6.6 of Town Council Rules of Procedure – *referred from Council Workshop.*
 - b. Request of Council authorization to deposit \$18,000.00 from the City of Old Town into Personnel Reserve 3-733-00 for police officer training reimbursement.

Note: Council will take a five-minute recess at 8:00 p.m.

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MONDAY

FEBRUARY 16, 2021

6:00 P.M.

AGENDA
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- I. MANAGER'S REPORT
- J. COUNCILOR'S COMMENTS
- K. ADJOURNMENT

Note: Council will take a five-minute recess at 8:00 p.m.

FOR THOSE THAT WISH TO PARTICIPATE IN THE
REMOTE HAMPDEN TOWN COUNCIL MEETING
ON FEBRUARY 16, 2021, AT 6:00 PM YOU MAY
PHONE IN USING THE FOLLOWING NUMBER
(FOLLOWED BY THE PIN #)

1-513-480-5019 PIN 525 801 019#

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO
TO THIS URL: [https://meet.google.com/
qms-hcdk-ndz?hs=122&authuser=0](https://meet.google.com/qms-hcdk-ndz?hs=122&authuser=0) AND JOIN
US THAT WAY

INSTRUCTIONS ARE POSTED WITH THE AGENDA
AND SEPARATELY ON THE TOWN CALENDAR AT
WWW.HAMPDENMAINE.GOV

Using Google Meet to Participate in Hampden Town Council Remote Meetings

How to join:

1. Town Council members will receive an email or a Google Calendar Invite with a link to join the meeting.
2. People interested in joining will need to go to the link posted on the town events calendar at www.hampdenmaine.gov.
3. Anyone can also join for audio-only participation by calling the number provided on the town events calendar and then entering the PIN provided followed by the # symbol.

Protocols for Remote Meetings:

1. Log in or call in at least 5 minutes before scheduled start of meeting.
2. For the audio portion, use either your phone or your computer microphone, not both.
3. Mute your phone or computer mic unless speaking. Remember to un-mute if you want to speak. To mute or unmute in Google Meet, click on the little microphone icon at the bottom of the screen; note you may need to move your mouse pointer around the bottom of your screen to get the bottom bar to appear.
4. Speak up if using a computer microphone or if using the speaker function on your telephone.
5. Do not rustle papers in front of your mic unless it's muted. Please minimize background noise.
6. If you're referring to a document, identify it including page or sheet number.
7. If using the video function, have a light source in front of you if possible. Try to avoid backlighting.
8. If you want to look good, have your camera mounted at eye level or above. Look at yourself on screen to check the lighting, camera position, what's in the background, etc. In Google Meet, you can do this "video check" when you open the program before you join the meeting.
9. If you are participating by audio only, identify yourself when speaking.
10. ALL votes will be by roll call.
11. After the meeting is adjourned, click on the red phone icon on the bottom bar to leave the meeting, or (obviously) just hang up the phone if that is how you are participating.

For detailed instructions on using Google Meet, please refer to their website:

support.google.com/a/users/answer/9282720?hl=en



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

C-2-a

MONDAY

JANUARY 19, 2021

5:30 P.M.

In Attendance:

Mayor Shelby Wright
Councilor Eric Jarvi
Councilor Mark Cormier
Councilor Christine Cubberley
Councilor Ivan McPike
Councilor Peter Erickson
Councilor Allen Esposito

Town Manager Paula Scott
Town Clerk Gayle C. Decker
Code Enforcement Officer Ryan Carey
Jim Kiser

Mayor Wright called the meeting to order at 5:30 p.m.

A. PLEDGE OF ALLEGIANCE

Mayor Wright led the Pledge of Allegiance.

B. EXECUTIVE SESSION – Pursuant to 1 M.R.S.A. Section 405 (6)(A) – Personnel Matters to include the Town Manager.

Motion: Councilor Jarvi pursuant to 1 M.R.S.A section 405 (6)(A) personnel matters moved Council go into Executive Session to include the Town Manager, seconded by Councilor McPike. Vote by roll call 7-0.

Resolution: 2021 – 11

Executive session entered at 5:32 p.m.

Executive session ended at 5:56 p.m. with no votes taken.

C. APPROVAL OF THE AGENDA

Motion: Councilor McPike moved to approve the agenda, seconded by Councilor Jarvi. Vote 7-0

Resolution: 2021 - 12

D. CONSENT AGENDA

Motion: Councilor Jarvi moved to approve the consent agenda with the amendment of the January 4th Council minutes to strike the word unanimous in items A.1 and A.2 Council Reorganization, seconded by Councilor Cormier. Vote 7-0

Resolution: 2021 – 13

1. SIGNATURES

Note: Council will take a five-minute recess at 8:00 p.m.

MONDAY

JANUARY 19, 2021

5:30 P.M.

MINUTES

2. COUNCIL MINUTES

- a. 01/04/2021 Council Meeting
- b. 01/11/2021 Council Workshop

3. COMMUNICATIONS

4. COMMITTEE MINUTES

E. PUBLIC COMMENTS

F. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

Town Manager Scott introduced our new Tax Assessor Nichole Philbrick. Mayor Wright welcomed her to the Town of Hampden.

2. PUBLIC HEARINGS

- a. Consideration of Proposed Repeal and Replacement of the Hampden Subdivision Ordinance.

Motion: *Councilor McPike made a motion to go into public hearing for the Repeal and Replacement of the Hampden Subdivision Ordinance, seconded by Councilor Jarvi. Vote 7-0*

Resolution: 2021 – 14

Town Manager Scott suggested first doing a vote to repeal the Subdivision Ordinance currently on the books before voting to replace it.

Town resident Jim Kiser spoke against taking action to implement the ordinance at this time. He feels that the old ordinance hasn't been broken and is still effective and has worked quite reasonably for quite a few years and it can stay in place until this one gets refined. He feels that there is a lot of issues with this Proposed Ordinance.

Motion: *Councilor Jarvi moved to come out of public hearing, seconded by Councilor McPike. Vote 7-0*

Resolution: 2021 – 15

Motion: *Councilor Jarvi moved repeal of the current Hampden Subdivision Ordinance, seconded by Councilor McPike.*

Motion: *Councilor Cormier moved to postpone debate indefinitely, with an explanation that he would like to see it go to the Comprehensive Planning Committee, seconded by Councilor Erickson. After further discussion Mayor Wright called the question, majority in favor. Vote on motion to postpone debate indefinitely 2-5 – Motion fails.*

Resolution: 2021 - 16

Motion: Councilor Jarvi moved to table the Repeal of the Hampden Subdivision Ordinance, seconded. Vote 6-1

Resolution: 2021 - 17

b. Consideration of Proposed Amendments to the Hampden Zoning Ordinance.

Motion: Mayor Wright asked for a motion to go into public hearing, Councilor Esposito moved motion, seconded by Councilor Jarvi. Vote 7-0

Resolution: 2021 – 18

Motion: Councilor Jarvi moved the closure of public hearing, seconded by Mayor Wright. Vote 7-0

Resolution: 2021 – 19

Motion: Councilor McPike moved to adopt the Proposed Amendments to the Hampden Zoning Ordinance, seconded by Councilor Jarvi. Vote 3 – 4 Motion fails.

Resolution: 2021 - 20

c. Consideration of Proposed Amendments to the General Assistance Ordinance.

Motion: Councilor McPike moved to take the Proposed Amendments to the General Assistance Ordinance to the Public Hearing, seconded by Councilor Jarvi. Vote 7-0

Resolution: 2021 – 21

Motion: Councilor Jarvi moved the closure of public hearing, seconded by Councilor McPike. Vote 7-0

Resolution: 2021 – 22

Motion: Councilor Jarvi moved adoption of the Proposed Amendments to the General Assistance Ordinance, seconded by Councilor McPike. Vote 7-0

Resolution: 2021 - 23

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

a. Council reappointment of Sam Manhart to the Lura E. Hoit Pool Board of Trustees.

Motion: Councilor McPike moved appointment of Sam Manhart to the Lura E. Hoit Memorial Pool, seconded by Councilor Cormier. Vote 7-0

Resolution: 2021 - 24

MONDAY

JANUARY 19, 2021

5:30 P.M.

MINUTES

- b. Council confirmation of the Town Manager's appointment of Nichole Philbrick as Tax Assessor for the Town of Hampden.

Motion: Councilor Jarvi moved Council confirmation of the Town Manager's appointment of Nichole Philbrick as Tax Assessor for the Town of Hampden, seconded by Councilor McPike. Vote 7-0

Resolution: 2021 - 25

- c. Council confirmation of the Town Manager's appointment of Wanda Libbey as Tax Collector for the Town of Hampden.

Motion: Mayor Wright called for a motion on the Town Manager's appointment of Wanda Libbey as Tax Collector, Councilor McPike so moved, seconded by Councilor Jarvi. Vote 7-0

Resolution: 2021 - 26

G. COMMITTEE REPORTS

Councilor Jarvi reported on the Environmental Trust Meeting held on January 7, 2021 and the Town Council Workshop held on January 11, 2021.

H. NEW BUSINESS

- a. Council approval of a renewal Liquor License for Armstrong Tennis Center.

Motion: Councilor Jarvi moved Council renew the liquor license for Armstrong Tennis Court, seconded. Vote 7-0

Resolution: 2021 - 27

- b. Request authorization for the expenditure of \$6,555.00 from Environmental Trust Principal for reimbursement of eligible stormwater expenses for FY21— referral from Environmental Trust Committee.

Motion: Councilor Jarvi moved Council authorize the expenditure of \$6,555.00 from the Environmental Trust Principal for reimbursement of eligible stormwater expenses for FY 21, seconded by Councilor McPike. Vote 7-0

Resolution: 2021 - 28

- c. Request authorization for the expenditure of \$13,128.54 from Environmental Trust Income for reimbursement of eligible stormwater expenses for FY21— referral from Environmental Trust Committee.

Motion: Councilor Jarvi moved Council authorize the expenditure of \$13,128.54 from the Environmental Trust Income for reimbursement of eligible stormwater expenses for FY 21, seconded by Councilor McPike. Vote 7-0

Resolution: 2021 - 29

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MONDAY

JANUARY 19, 2021

5:30 P.M.

MINUTES
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- d. Council authorization for the expenditure of \$1,990.00 from the Matching Grant reserve account (3-780-00) for the Town's portion of a Maine Department of Agriculture (Forestry) Grant Award - requested by Deputy Fire Chief Lundstrom.

Motion: Councilor McPike made a motion to accept the expenditure of \$1,990.00 from the Matching Grant Reserve Account, seconded by Councilor Jarvi. Vote 7-0

Resolution: 2021 - 30

- e. Council action on setting the date for Council Goals and Objectives.

Council set the Goals and Objectives Meeting for February 6, 2021, starting at 1:30 p.m. at the Skehan Center.

I. MANAGER'S REPORT

Attached Exhibit A

J COUNCILOR'S COMMENTS

Councilor Exposito – I just wanted to say tonight was a really, I think a healthy and insightful way to see how Town Council works and as you stated earlier Madam Mayor, a good point in procedural parliamentary procedure. So, I think it's a learning curve for everybody and I'm glad that it's public and the Town gets to see it, because they get to see as we grow, you know, they grow and our understanding grows and the transparency is important. So, I just wanted to make that compliment.

Councilor McPike – No comment.

Councilor Cormier – No comment.

Councilor Jarvi – No comment.

Councilor Cubberley – No comment.

Councilor Erickson – Thank you for joining us and have a good night.

Councilor Wright – I'd just like to apologize to the residents of the Town of Hampden. For 10 years and my ten years on Council, I've heard that most of our calls are about buildings and maintenance issues throughout Town and that the Town has had no recourse to address and we got close tonight. We almost passed a maintenance ordinance that would have allowed Hampden a recourse to take action against properties that are sometimes dangerous to our fellow residents. We almost made it, but we didn't quite get there. And I want to thank the Code Enforcement Officer for his work on that ordinance and hopefully we'll be able to work towards another way to help to clean up some of our unsightly and sometimes dangerous properties in Town. And with that, I'll say goodnight Hampden, shop local and buy American.

K. ADJOURNMENT

Meeting adjourned at 7:03 p.m.

*Respectfully Submitted,
Gayle C. Decker /s/ Town Clerk*

**Memorandum**

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: January 19th, 2021
RE: Manager's Report

- Although notices have already been sent out, I want to remind the residents of Mayo Rd. and the portion of Western Ave. near the Mayo Rd. pump station that we will be starting inspections for inflow and infiltration of plumbing or stormwater into the sewer system. Greg Nash of Carpenter Associates will be scheduling appointments in the month of February and will begin field inspections in March.
- A preconstruction meeting on the office renovation was held on Thursday of this past week. Construction is slated to begin on the 28th of this month. In the meantime, staff has been preparing for the construction by emptying out the supply closet and doing some cabling work in order to move the photocopier and postage meter. Workers will be coming in stages over the course of a few weeks at close of business on Thursday nights, and will be working through the weekend. The office will be ready for business on Monday mornings. Once the counters are installed and the work is complete, we will commence with a painting the walls, and then completing the floors. We don't anticipate interruption with regard to service but do want to give notice and to ask for pardon while the work is in process.
- I want to publicly thank Ruey Yehly, a retired principal of Hampden Academy, who made an unsolicited donation to the Edythe Dyer Library in the amount of \$250.00. In her note, which I have provided the Council and will add as an attachment to this report, she thanked library staff for the services provided during the pandemic. We appreciate her gift very much. The pandemic has affected the library in ways that it hasn't affected some of our other departments and I would like to speak a little about that. There has been a couple of inquiries regarding when the library will reopen to the public, and I want to try to address it publicly. The librarian has been following CDC and State Library guidelines with regard to safety protocols for the library. Some guidelines are specific to libraries, such as the requirement to quarantine every book that comes back for 72 hours in totes; and others are general guidelines with regard to social distancing and how many people can be in a space at one time. The configuration of our library is such that with the small, individual spaces, less people are allowed in at a time. Monitoring is virtually impossible when people "disappear" from room to room. In comparing libraries of similar size to ours, which are Gray, Old Town, Orono and Pittsfield all have had various degrees of service. Gray and Old Town which had been open for limited service, have had to close down again due to covid. Pittsfield reopened and is still open, but they have an open floor plan that allows greater monitoring ability. Of the five comparisons, our circulation is down

48.41%, Gray is down 48.24%, Old Town is down 59.79%, Orono is down 59.49% and Pittsfield is down 54.76%. So, although we have remained closed, we have the second highest of the drop in circulation of all. I think that this number is being held steady due to the diligent service that our librarians provide. In addition to the book lockers and the curbside program, our staff spends more time on the phone now than they did before assisting customers. Just about anything that a patron would want to check out, can be sourced for that person, including in digital form. I would offer that in spite of being closed for in house browsing, our staff is working harder and more creatively. We understand that people would like to come inside, after all, that is the heartbeat of a library. But until such time as covid cases level out and protocols change, we will likely continue to operate in this manner with the Board of Trustees discussing a soft opening as soon as practical. We continue to balance between service and responsibility.

- On January 6th, any and all remaining items for occupancy that were still outstanding at the Coastal facility were finalized and Code officer Ryan Carey issued the occupancy permit. The MRC Board of Directors has been instrumental in making sure that these items were complete and ready for a new operator. On today's date, the MRC Board held a virtual town hall at which they introduced the purchaser, Rob Van Naarden, the CEO of Delta Thermo Energy. A US Company with a home office in Pennsylvania, they are a global leader, the first really, in the waste to energy industry. The anticipated schedule is 30 – 60 days to close, 4 -6 weeks to begin operating the facility as it was, and then within 6 months they will begin introducing new to us patented technology that they are currently using in Germany, Japan, Russia, South Africa as well as Pennsylvania and New Jersey. I will be formally introduced to Mr. Van Naarden tomorrow on a zoom call and the Town is looking forward to a great working relationship with Delta. It is worth stating that the MRC Board has done a great job during the shut down working with the DEP and the member communities while striving to find a new operator of the plant. We say welcome to Hampden!



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

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MONDAY.....FEBRUARY 1, 2021.....6:00 P.M....

In Attendance:

<i>Mayor Shelby Wright</i>	<i>Town Manager Paula Scott</i>
<i>Councilor Eric Jarvi</i>	<i>Town Clerk Gayle C. Decker</i>
<i>Councilor Mark Cormier</i>	<i>Code Enforcement Officer Ryan Carey</i>
<i>Councilor Christine Cubberley</i>	<i>Ryan Bickford</i>
<i>Councilor Ivan McPike</i>	<i>Jim Kiser – Remotely</i>
<i>Councilor Peter Erickson</i>	<i>Donald Ouellette</i>
<i>Councilor Allen Esposito</i>	<i>Lynn Ryan - Remotely</i>

Mayor Wright called the meeting to order at 6:00 p.m.

A. PLEDGE OF ALLEGIANCE

Mayor Wright led the Pledge of Allegiance.

B. APPROVAL OF AGENDA

Motion: *Councilor McPike moved to approve the agenda, seconded by Councilor Jarvi. Vote 7-0*

Resolution: 2021 - 31

C. CONSENT AGENDA

Motion: *Councilor Jarvi moved to approve the consent agenda with the amendment of striking item four, as there are currently no minutes available for the Town Council Meeting of January 19th, seconded by Councilor McPike. Vote 7-0*

Resolution: 2021 – 32

1. SIGNATURES

2. COUNCIL MINUTES

a. None

3. COMMUNICATIONS

- a. Renewal Victualer's License – Angelo's**
- b. Renewal Victualer's License – Subway**
- c. MRC Newsletter**

4. COMMITTEE MINUTES

D. PUBLIC COMMENTS

E. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

2. PUBLIC HEARINGS

- a. Consideration of Proposed repeal and replacement of the Hampden Subdivision Ordinance.- *continued from January 19th, 2021*

Motion: *Councilor Jarvi moved to take from the table the repeal of the current Hampden Subdivision Ordinance, seconded by Councilor McPike. Vote 5-2*

Resolution: 2021 - 33

Town Resident Jim Kiser spoke not seeing what the real need is to push through until at least some of the proceeds that both the Council directed to the Planning Board and Planning Board directed to staff can finish pointing out from that standpoint and thus allows the Council a better potential understanding and it may be a refined and improved final subdivision ordinance for them to consider.

Motion: *Councilor Cormier moved to table this until the next Council Meeting, seconded by Councilor Esposito. Vote 4-3 Motion carries.*

Resolution: 2021 - 34

- b. Reconsideration of Proposed Amendment to the Hampden Zoning Ordinance – *requested by Councilor Cubberley.*

Motion: *Councilor Cubberley moved to reconsider the motion to adopt the Proposed Amendments to the Zoning Ordinance. She spoke on Section 6.6 of Council Rules of Procedure which allows for any member of voting in a majority to move for consideration at the same or next day meeting. The original motion to adopt proposed amendments to the Zoning Ordinance on January 19, 2021 failed with three ayes and 4 nays, she attests that she voted the negative majority and therefore request Council will consider, given a better interpretation of the difference between an ordinance addressed in the original motion to adopt the amendments to the Hampden Zoning Ordinance and policy, which was used as a basis for debate to reject the adoption of the motion. If the resident's taxes are current there is not much right now that can be done regarding the state of disrepair of any property and the danger that it may pose. She is aware that after the ordinance is passed, we will discuss how policies will be implemented. So, in consideration of all of this, she will support the motion to adopt the Proposed Amendments to the Zoning Ordinance as presented on January 19, 2021 and expects that policy will be developed that will be sensible and reasonable.*

Seconded by Councilor McPike. Vote 4-2-1

Resolution: 2021 – 35

3. NOMINATIONS —APPOINTMENTS – ELECTIONS

a. Reappointment of Eugene Weldon to the Planning Board for a five- year term

Motion: Councilor Jarvi moved Council reappointment of Eugene Weldon into a five-year term on the Planning Board, seconded by Councilor McPike. Vote 7-0

Resolution: 2021- 36

b. Appointment of Ryan Bickford to the Planning Board for a five- year term

Motion: Councilor Esposito made a motion to appoint Ryan Bickford to the Planning Board for a five-year term, seconded by Councilor Jarvi. Vote 7-0

Resolution: 2021 - 37

Ryan Bickford introduced himself and said hello. Councilor Wright welcomed him to the Town of Hampden.

F. COMMITTEE REPORTS

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- a. Council consideration on accepting a private fire hydrant located at the Oak Knoll Condo subdivision into the Town's inventory - requested by Donald Ouellette, President of Oak Grove Condo Homeowner's Association.

Town resident Donald Ouellette spoke on a private fire hydrant located at the Oak Knoll Condo Subdivision. After discussion Council took no action.

- b. Council approval of the Certificate of Settlement reflecting the remaining balance of 2021 taxes in the amount of \$6,623,896.31, discharging former Tax Collector Sherry Murray from further obligation for collection— pursuant to 36 MRSA Section 763

Motion: Councilor Cubberley made a motion for Council approval of the Certificate of Settlement reflecting the remaining balance of 2021 Taxes in the amount of \$6,623,896.31, discharging former Tax Collector Sherry Murray from further obligation for collection pursuant to 36 MRSA Section 763, seconded by Councilor McPike. Vote 7-0

Resolution: 2021 - 38

- c. Council approval of the Certificate of Settlement reflecting the remaining balance of 2020 taxes in the amount of \$12,953.78, discharging former Tax Collector Sherry Murray from further obligation for collection- pursuant to 36 MRSA Section 763

Motion: Councilor Erickson made a motion for Council approval of the Certificate of Settlement reflecting the remaining balance of 2020 Taxes in the amount of \$12,953.78, discharging former Tax Collector Sherry Murray from further obligation for collection pursuant to 36 MRSA Section 763, seconded by Councilor Jarvi. Vote 7-0

Resolution: 2021 - 39

- d. Council approval of the Certificate of Settlement reflecting the remaining balance of 2019 taxes in the amount of \$3,621.41, discharging former Tax Collector Sherry Murray from further obligation for collection - *pursuant to 36 MRSA Section 763.*

Motion: Councilor Jarvi moved Council approve the Certificate of Settlement for the remaining balance of 2019 Taxes in the amount of \$3,621.41, discharging former Tax Collector Sherry Murray from further obligation for collection pursuant to 36 MRSA Section 763, seconded by Councilor McPike. Vote 7-0

Resolution: 2021 - 40

- e. Council approval of the Certificate of Settlement reflecting the remaining balance of 2019 taxes in the amount of \$3,776.60, discharging former Tax Collector Sherry Murray from further obligation for collection - *pursuant to 36 MRSA Section 763.*

Motion: Councilor Cormier moved Council approval of the Certificate of Settlement reflecting the remaining balance of 2019 Taxes in the amount of \$3,776.60, discharging former Tax Collector Sherry Murray from further obligation for collection pursuant to 36 MRSA Section 763, seconded by Councilor McPike. Councilor Jarvi moved to amend the motion to 2018, seconded by Councilor Esposito. Vote 7-0

Resolution: 2021 - 41

- f. Council approval of the Certificate of Settlement reflecting the remaining balance of 2017 taxes in the amount of \$4,997.14, discharging former Tax Collector Sherry Murray from further obligation for collection - *pursuant to 36 MRSA Section 763.*

Motion: Councilor McPike moved Council approval of the Certificate of Settlement reflecting the remaining balance of 2017 Taxes in the amount of \$4,997.14, discharging former Tax Collector Sherry Murray from further obligation for collection pursuant to 36 MRSA Section 763, seconded. Vote 7-0

Resolution: 2021 - 42

- g. Council approval of the Certificate of Settlement reflecting the remaining balance of 2016 taxes in the amount of \$4,194.75, discharging former Tax Collector Sherry Murray from further obligation for collection - *pursuant to 36 MRSA Section 763.*

Motion: Councilor Esposito made a motion for Council approval of the Certificate of Settlement reflecting the balance of 2016 taxes in the amount of \$4,194.75, discharging former Tax Collector Sherry Murray from further obligation for collection pursuant to 36 MRSA Section 763, seconded by Councilor Jarvi. Vote 7-0

Resolution: 2021 - 43

- h. Council approval of the Certificate of Settlement reflecting the remaining balance of 2015 taxes in the amount of \$2,457.00, discharging former Tax Collector Sherry Murray from further obligation for collection - *pursuant to 36 MRSA Section 763.*

Motion: Councilor Cubberley made a motion for Council approval of the Certificate of Settlement reflecting the remaining balance of 2015 Taxes in the amount of \$2,457.00, discharging former Tax Collector Sherry Murray from further obligation for collection pursuant to 36 MRSA Section 763, seconded by Councilor McPike. Vote 7-0

Resolution: 2021 - 44

- i. Council approval of the Certificate of Settlement reflecting the remaining balance of 2014 taxes in the amount of \$1,087.24 discharging former Tax Collector Sherry Murray from further obligation for collection -pursuant to 36 MRSA Section 763.

Motion: Councilor Erickson made a motion for Council approval of the Certificate of Settlement reflecting the remaining balance of 2014 Taxes in the amount of \$1,087.24, discharging former Tax Collector Sherry Murray from further obligation for collection pursuant to 36 MRSA Section 763, seconded by Councilor Cormier. Vote 7-0

Resolution: 2021 - 45

- j. Council approval of the Certificate of Settlement reflecting the remaining balance of 2013 taxes in the amount of \$806.13, discharging former Tax Collector Sherry Murray from further obligation for collection -pursuant to 36 MRSA Section 763.

Motion: Councilor Jarvi moved Council approve the Certificate of Settlement for the remaining balance of 2013 Taxes in the amount of \$806.13, discharging former Tax Collector Sherry Murray from further obligation for collection pursuant to 36 MRSA Section 763, seconded by Councilor McPike. Vote 7-0

Resolution: 2021 - 46

- k. Council approval of the Certificate of Settlement reflecting the remaining balance of 2012 taxes in the amount of \$806.13, discharging former Tax Collector Sherry Murray from further obligation for collection -pursuant to 36 MRSA Section 763.

Motion: Councilor Cormier moved Council approval of the Certificate of Settlement reflecting the remaining balance of 2012 Taxes in the amount of \$806.13, discharging former Tax Collector Sherry Murray from further obligation for collection pursuant to 36 MRSA Section 763, seconded by Councilor McPike. Vote 7-0

Resolution: 2021 - 47

- l. Council discussion on adhering to the Governor's Executive Order regarding masks at the Transfer Station (public property)

Town resident Lynn Ryan spoke on her concern about residents not wearing masks at the Transfer Station.

Town Manager Scott explained that the Transfer Station is public property, and those that are entering into it, we try to socially distance the vehicles, so that only so many come in at a time to align with the number of sides there are in openings of the containers. It is a public place, it's no different than the front lobby out here where we have to separate people at six feet and try to keep them out of the foyer. She stated that the sign is being worked on at the Transfer Station and it will state that masks are required per Executive Order.

After discussion Council took no action.

I. MANAGER'S REPORT

Attached Exhibit A



Memorandum

TO: Town Council
 FROM: Paula Scott, Town Manager
 DATE: February 1, 2021
 RE: Manager's Report

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- I don't have a lot of major items to report on since the last meeting. Much of what has been going on in our departments has been just a continuation of business as usual, or as usual as it can be during this time. Our worker's comp audit is in process and our regular audit is being finalized. The State has lifted the temporary approval and has permanently approved my appointment of Amanda as the MV Agent which permits us to continue to operate at a new registration level. Our online building permit system is very close to being able to be implemented as the final step for payment processing was completed last week. Although revenues in some departments are lower than in years pre-covid, overall, revenues are at this point 88% collected which is very good with still 5 months of the fiscal year remaining.
 - Front line staff have been busy renewing dog licenses which expired in December. Although typically the late fee would begin today, we have received memorandum from the Animal Welfare Board that the waiver of the late fee which took place when covid started remains in effect at this time. Please make sure that if you are a dog owner, that you come in with current rabies vaccination information and license your dog and the late fee will be waived. If you can't come in, please go onto our website to on line services tab, and you can renew it through the State system by way of our website. As a reminder, in any event that closes down our town office, you can access most all of our services through our website.
 - In the event that tomorrow's storm tracks the way the National Weather Service is predicting, tomorrow might be a doozy. I would like to remind everyone to stay safe and don't drive unless you absolutely have to. Also, please make sure to take plenty of rest breaks if you are shoveling large amounts of snow.
 - The office renovation has been postponed by the contractor until February 11th due to some staff shortages, but the town office and IT staff have utilized the time to remove all items out of supply and the copy room in anticipation of their start date.
 - I would like to congratulate our former Sexton, Devon Patterson for his retirement toward the end of January. Devon worked for the town for 27 years and has been a valuable asset to the buildings and grounds division. I advertised for the Town Planner position at the beginning of January and will update Council as the process moves along. David Johnson, our new finance officer and Deputy Treasurer started on January 25th. He comes with many years of experience and we are happy to have him on board.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
email: clerk@hampdenmaine.gov

February 1, 2021

Danny Costa
Dunkin Donuts
76 Main Rd North
Hampden, ME 04444

RE: Victualer's license

Dear Danny:

Your application for your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Gayle C. Decker
Town Clerk

VICTUALER'S LICENSE CERTIFICATE

No. 2021-1

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: February 1, 2021,

KNOW YE, that Danny Costa,

doing business as Dunkin Donuts

has been duly licensed as a Victualer at 76 Main Rd North Hampden, Me 04444

in the Municipality of Hampden by said Municipality until February 1, 2022,

and has paid to the Municipal Treasurer the fee of \$ 100.00.

Authorized Municipal Officer

Town Clerk

TOWN OF HAMPDEN
FY22 BUDGET MEETING SCHEDULE

C-3-b

Feb. 20, Saturday 9:00 am	Council Goals & Objectives session – at Skehan Center Possibly the 27th, Council will decide Tuesday	
April 29, Thursday	Proposed budget delivered to Councilors (due to them by May 1 st , per Charter)	
May 3, Monday: 6 pm	Town Council Meeting Town Manager Presentation of Proposed FY21 Budget	
May 5, Wednesday: 6 pm	Administration General Assistance Elections	Town Council Outside Agencies County Tax
May 10, Monday: 6 pm	Public Safety Police Fire IT (includes GIS/mapping)	Assessor Planning Economic Development Council workshop – as needed
May 12, Wednesday: 6 pm	Highway Municipal Garage Municipal Building Stormwater Management	Building & Grounds Solid Waste Marina
May 17, Monday: 6 pm	Town Council Meeting	Education (RSU 22)
May 19, Wednesday: 6 pm	Capital Program Reserves Revenues	Sewer Non-departmental utilities Debt Service
May 24, Monday 6 pm	Library Recreation	The Bus Lura Hoyt Pool
May 26, Wednesday: 6 pm	Possibly RSU District Budget Meeting at Hampden Academy	
May 31, Monday:	Memorial Day	
June 7, Monday: 6 pm	Town Council Meeting – referral of budget to Public Hearing	
June 8, Tuesday:	RSU 22 Budget Referendum	
June 21, Monday: 6 pm	Town Council Meeting Budget Public Hearing	
June 28, Monday:	Contingency date for Public Hearing if necessary	

**Memorandum**

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: February 10, 2021
RE: Legal opinion re: Councilor associate members on Planning Board

The Town's attorney responded to my inquiry for an opinion on the two conflicting sections of the Town Charter regarding appointing a Council member to the Planning Board as an Associate Member. I have provided all of you with the email thread between myself and Attorney Bearor but will paraphrase his response in this memo.

The legal opinion in a nutshell is that there are no State statutes that authorize it, but no statutes that prevent it.

The Town of Hampden operates primarily by Charter which is our guiding document akin to a constitution which defines how we as a town structure ourselves. Charters should never permit a town or city from going against statute, which based upon the letter of the law, our charter does not do.

Councilor Cormier correctly raised the question about the possible conflict not only in the charter, but in the boards themselves which is echoed in the advice of Maine Municipal Association. Council appoints Planning Board members, and it might be considered a conflict. In municipal government, these types of conflicts are called incompatible offices. (For instance, the Tax Assessor cannot be the Tax Collector because of the obvious conflict) As our attorney states, that doctrine is not codified, but it is a part of case law.

Because it doesn't appear that Council has used section 602, my thought is wondering whether or not this has ever been vetted in the past which is entirely possible. In light of the ambiguity in statute, and because I am familiar with the doctrine of incompatibility, I would now have to caution *against* formalizing an associate member to the Planning Board from the Council by way of appointment because of the potential conflict. Additionally, Council just appointed a new member to the Planning Board, and an application to possibly become an Associate Member by a citizen is forthcoming as of this writing. As far as vacancies go, we are in a good place. Although I originally thought section 602 was a good mechanism to improve upon the communication between the two boards, I now rethink that suggestion. I do believe that we can improve upon communication through staff, the Planner, as well as Council attendance at Planning Board meetings, as Councilor Esposito correctly suggested. We may not want to go down the road of deviating from the norm.

We have often talked about the need to update our charter. This may very well be an area which should be looked at during the eventual update.



Paula Scott <townmanager@hampdenmaine.gov>

Inquiry

7 messages

Paula Scott <townmanager@hampdenmaine.gov>
To: "Edmond J. Bearor" <ebearor@rudmanwinchell.com>

Fri, Jan 22, 2021 at 4:14 PM

Ed,

In an effort to facilitate better communication between the Town Council and the Planning Board so that Council intent and PB reasoning can be more easily understood (and to help reduce recent impasses with ordinances), I suggested to the Mayor and Deputy Mayor that perhaps we should utilize Section 602.4 of our charter that allows a single Councilor to be an associate member of the PB. (We have two associate member vacancies right now.) The Councilor can't vote, unless the PB chair asks him/her to sit in for a member, in Section 603.3.

When Deputy Mayor Jarvi proposed changing 4.2 of Council rules to have it so the Deputy Mayor is the associate member, Councilor Cormier asked if this was in conflict with Sec. 206 of the charter which prohibits Councilors from holding any other town office. So it seems like 206 and 602.4 are in conflict. Can you offer an opinion on whether or not a Councilor could serve as an associate member of the PB?

I have attached the Charter and the Council Rules of Procedure.

Thank you,
Paula A. Scott
Town Manager
Treasurer

Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

Paula Scott <townmanager@hampdenmaine.gov>
To: "Edmond J. Bearor" <ebearor@rudmanwinchell.com>

Tue, Feb 9, 2021 at 9:40 AM

Hi Ed,

I remembered what the other thing was, and it is the opinion on wording in our charter. (see above email) In re-reading section 206, it says 'except where authorized by State statute'.... does statute speak to municipal officers having a role with the PB?

At next week's meeting, the Mayor wants to have councilors that might be interested in the associate position let her know so she can determine who to appoint if in fact our charter is not in conflict with itself or statute.

Thank you
Paula A. Scott
Town Manager
Treasurer

Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067

[Quoted text hidden]

Edmond J. Bearor <ebearor@rudmanwinchell.com>
To: Paula Scott <townmanager@hampdenmaine.gov>

Tue, Feb 9, 2021 at 9:44 AM



Paula Scott <townmanager@hampdenmaine.gov>

Inquiry

Edmond J. Bearor <ebearor@rudmanwinchell.com>
To: Paula Scott <townmanager@hampdenmaine.gov>
Cc: "Stephen W. Wagner" <swagner@rudmanwinchell.com>

Wed, Feb 10, 2021 at 5:00 PM

Paula,

Section 206 of the Charter provides that "Except where authorized by State statute no councilor shall hold any other office. There isn't any statute that authorizes a municipal officer (Councilor) to serve on a Planning Board. There arguably is no statute preventing it either.

However, Section 602 (1) of the Charter provides that not more than one municipal officer (Councilor) may serve as a member of the Planning Board. This seems to plainly envision that under our Charter a Councilor may serve on the planning board, and under the theory that the specific controls over the more general when interpreting a law, I think this might be the controlling section of the Charter, but it might not be the end of the inquiry.

MMA suggests that a Councilor serving on a planning board may run afoul of the "incompatibility of offices" doctrine, especially where, as here, the Council appoints planning board members. However, that doctrine is not codified in statute, it's simply common law. (Made by judges).

I don't know what has prompted this possible move by the Council, and for my purposes, it's not important to the analysis. In my opinion, it's lawful. Although I will note that I have never encountered this before.

Ed

From: Paula Scott <townmanager@hampdenmaine.gov>
Sent: Tuesday, February 09, 2021 9:40 AM
To: Edmond J. Bearor <ebearor@rudmanwinchell.com>
Subject: Re: Inquiry

Hi Ed,

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



H-a.

**TOWN OF HAMPDEN
TOWN COUNCIL RULES OF PROCEDURE**

ARTICLE 1 – Mayor/Deputy Mayor	<p>Section 1.1 - At the commencement of the Calendar year, and pursuant to Section 204 of the Town Charter, the town's attorney shall preside over the Town Council's election of one of its members as Mayor for the ensuing year. The Mayor shall preside over all meetings of the Council at which he or she is present.</p>
	<p>Section 1.2 - After the election, the Mayor shall preside over the election of Deputy Mayor. The Deputy Mayor shall serve as the presiding officer at Council Workshop meetings, at any meeting at which the Mayor is absent, and shall assume all duties of the Mayor until the Mayor is present. In the absence of the Deputy Mayor, the Mayor shall appoint, in advance, another Councilor to chair the meeting.</p>
	<p>Section 1.3 - The Mayor/Deputy Mayor shall recognize any Councilor who wishes to speak, shall state all motions that are before the assembly, rule on questions of parliamentary procedure and carry out all duties incumbent upon him under the laws of the State, the Town Charter, Town Ordinances, and the Rules of Procedure.</p>
ARTICLE 2 - Council	<p>Section 2.1 - The Town Council shall only act by ordinance, order, or resolve. All ordinances, orders, and resolves shall be confined to one subject, which shall be clearly expressed in the title. All orders and resolves shall be dated, numbered, and signed by the Town Clerk and the Town Councilors will receive a copy. No action of the Council shall be binding or valid unless adopted by the majority vote of those present.</p>
	<p>Section 2.2 - In all motions of command, the form of expression shall be 'ordered' and in all motions concerning principles, facts, or purposes, the form shall be 'resolved'.</p>
	<p>Section 2.3 - All Town Councilors shall participate in the Maine Municipal Association's Elected Officials Course within 120 days of being sworn in as a Town Councilor. Documentation of that training shall be filed with the Town Clerk.</p>
	<p>Section 2.4 - A new councilor orientation packet shall be provided to all Councilors at the time they are sworn in and they shall sign and date receipt of the orientation packet which will also be recorded in the minutes of the next Council meeting.</p>
ARTICLE 3 – Agenda	<p>Section 3.1- Town Council meetings shall be guided by a written agenda in the following order.</p> <ul style="list-style-type: none">(a) Pledge of Allegiance(b) Approval of Agenda(c) Consent agenda<ul style="list-style-type: none">(i) Signatures(ii) Council Minutes(iii) Communications



**TOWN OF HAMPDEN
TOWN COUNCIL RULES OF PROCEDURE**

	<ul style="list-style-type: none"> (d) Public Comments (e) Policy Agenda <ul style="list-style-type: none"> (i) News, Presentations and Awards (ii) Public Hearings (iii) Nominations, Appointments, Elections (f) Unfinished Business (g) New Business - No new business will be acted on at its first reading and will be automatically tabled except by a majority vote of Council to suspend this rule. (h) Manager's Report (i) Councilor Comments (j) Adjournment <p>Section 3.2 - Any subject may be placed on the agenda for a council meeting by a council member, the town manager or at the request of any citizen. Any subject presented by a citizen must be received at the town office at least four business days prior to the council meeting. The name of the Councilor or other person(s) or group requesting an item on the agenda will be indicated on the agenda as part of the requested item.</p> <p>Section 3.3 - The agenda shall be prepared and posted to the town website at least two business days prior to a scheduled council meeting.</p> <p>Section 3.4 - An item may be added to the agenda prior to the Approval of Agenda by unanimous consent of all Councilors present.</p> <p>Section 3.5 - Any item on the Consent Agenda can be set aside for discussion at the request of any Councilor, prior to a motion on the remainder of the Consent Agenda.</p> <p>Section 3.6 - Any agenda item may be taken up out of order by consent of a majority of Councilors present.</p> <p>Section 3.7 - Workshops, special meetings, and ad hoc meetings as defined under Article 4, shall be guided by a written agenda in the following order.</p> <ul style="list-style-type: none"> (a) Call to order (b) Topic(s) of the meeting (c) Adjournment
ARTICLE 4 - Meetings	<p>Section 4.1 - The first and third Mondays of each month are designated as regular Council meetings (open to the public and televised) with the provision that a unanimous vote of the Councilors present would cancel or reschedule a meeting. Whenever a meeting falls on a legal holiday, such meeting will take place the following day except upon unanimous vote of the Councilors present to cancel or reschedule the meeting.</p>



**TOWN OF HAMPDEN
TOWN COUNCIL RULES OF PROCEDURE**

	<p>Section 4.2 - The second Monday of each month is designated as a workshop session (open to the public and televised) and is chaired by the Deputy Mayor (or Mayor designate).</p> <p>(a) A workshop meeting is devoted exclusively to a matter(s) in which the interchange of information is deemed essential and may involve reports and proposals from council members, committees and staff that might be considered at later Town Council meetings.</p> <p>(b) The Town Council may give guidance to the Town Manager and to staff at workshop meetings, but no decisions may be made that require formal voting.</p> <p>(c) Workshop discussion requires no formal motion as it is intended to promote interaction and the building of ideas and consensus without debate.</p> <p>Section 4.3 – The Mayor may call the Council together for a special meeting (open to the public and televised). The agenda for a special meetings shall be posted at the Post Office, Town Office, Town Sign Board, and on the Town website, no less than 72 hours in advance of the meeting (unless an emergency meeting is needed for the purpose of dealing with an unanticipated Town emergency, in which case posting shall be to all normal posting locations and via email to local print media as soon as it is identified that a meeting will be held).</p> <p>Section 4.4 – The Mayor may convene an ad hoc committee (meetings open to the public) as required to address a specific issue. An ad hoc committee exists in an advisory capacity to Council and therefore has no decision making authority; will be approved by a majority vote of Council; will be limited to a specific charge; will exist for a specified period of time; and will have defined reporting/deliverable obligations as set forth by the Council.</p>
<p>ARTICLE 5 – Meeting Decorum</p>	<p>Section 5.1 - As a matter of courtesy, conduct for all Council members shall be as follows.</p> <p>(a) All cell phones shall be silenced during Council and Committee meetings;</p> <p>(b) Councilors and staff shall refrain from texting or emailing during all Council or Committee meetings;</p> <p>(c) cell phone use, texting and email should be done during breaks in meetings.</p> <p>Section 5.2 - In all cases where the parliamentary proceedings are not determined by these rules of procedure, "Roberts Rules of Order" shall be taken as authority to decide the course of proceedings.</p>



**TOWN OF HAMPDEN
TOWN COUNCIL RULES OF PROCEDURE**

	Section 5.3 - When any Councilor is about to speak, they shall respectfully address the Mayor, confine themselves to the question under debate, and avoid personalities. No member speaking shall be interrupted by another but by a call to order.
	Section 5.4 - When any Councilor speaks to staff, consultants, or to members of the public who are in attendance, they shall do so in a respectful and professional manner, shall confine themselves to the question under debate, and avoid conduct unbecoming an elected representative of the Town.
	Section 5.5 - No business can be conducted without a quorum (representing the number personally present and not the number voting) defined as a simple majority of the Council (4). Consideration may be given to 'table' important or controversial issues when only a simple majority is present.
	Section 5.6 - No vote can be taken without a motion on the floor and the vote will be of the form: (a) all in favor; (b) all opposed; (c) those present. (In accepting public office, Councilors enter into a civic covenant with the electorate to participate in all proceedings unless otherwise disqualified from doing so. If a Councilor intends to vote present because of conflict of interest, bias, or other disqualification, the declaration will be made before debate begins, the Council will be excused from the dais, may not participate in debate, and the action will be binding on that motion.) The Mayor will announce the outcome and voting results.
	Section 5.7 - These rules cannot be dispensed with or suspended if any member of the council shall object. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.
	Section 5.8 - Council meetings shall not extend beyond 10 p.m. without a unanimous vote of the Town Council.
	Section 5.9 - The Councilor Comment section of the agenda is reserved for any Council member to discuss matters not previously mentioned on the agenda. No official Council action can be taken during this portion of the meeting.
	Section 6.1 - "Rule of motion before discussion" - Until a motion is made and seconded, no discussion is in order. The Mayor should refuse a motion that is out of order or conflicts with statute, ordinance, laws or bylaws.
ARTICLE 6 - Motions	Section 6.2 - The member who made the motion is entitled to speak first in debate. Then members are called on in the order in



TOWN OF HAMPDEN
TOWN COUNCIL RULES OF PROCEDURE

	<p>which they are recognized by the Mayor, although members who have not spoken yet get preference over those who have. When possible, the Mayor alternates between someone in favor and someone against the motion.</p>
	<p>Section 6.3 - The following motions do not require a second:</p> <ul style="list-style-type: none"> (a) nominations; (b) point of information; (c) point of order; (d) question of privilege; or (e) leave to withdraw a motion
	<p>Section 6.4 - The following motions are non-debatable:</p> <ul style="list-style-type: none"> (a) adjourn; (b) lay on the table; (c) filling in the blank; (d) point of information; (e) point of order; (f) question of privilege; or (g) leave to withdraw a motion
	<p>Section 6.5 - When a motion is under debate, the only motions that the Mayor shall entertain will be:</p> <ul style="list-style-type: none"> (a) to adjourn; (b) to lay on the table; (c) the previous question; (d) to postpone debate/action on the motion to a certain date; (e) to refer the motion to a committee or administrative official; (f) to amend the motion, or (g) to postpone debate/action on the motion indefinitely. <p>Motions shall have precedence in order in which they are introduced.</p>
	<p>Section 6.6 - When a vote is passed, <u>decided</u> it shall be in order for any member who voted in the majority, or in the negative on a tie vote, to move a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.</p>

**Memorandum**

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: 02/11/2021
RE: Personnel Reserve Deposit

Pursuant to Title 25, Chapter 341 § 2808 (3), when a Maine municipality hires a police officer who was trained at the Maine State Police Academy within five years of graduation, the hiring agency shall reimburse the original department the cost of the academy. The cost of reimbursement is based upon a formula set out in statute. Recently, one of our police officers was hired by the City of Old Town who has to reimburse us \$18,000. I am asking that Council authorize the deposit of these funds into the personnel reserve to be earmarked for the police department in the event that the officer that we hire to fill the vacancy is academy trained which would require the Town of Hampden to then reimburse the original agency.